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RUEHCP/AMEMBASSY COPENHAGEN PRIORITY 1574  
RUEHLO/AMEMBASSY LONDON PRIORITY 0652  
RUEHMO/AMEMBASSY MOSCOW PRIORITY 2669  
RUEHFR/AMEMBASSY PARIS PRIORITY 0438  
RUEHPG/AMEMBASSY PRAGUE PRIORITY 3352  
RUEHKO/AMEMBASSY TOKYO PRIORITY 0439  
RUEHVEN/USMISSION USOSCE PRIORITY 0488  
RUEHNO/USMISSION USNATO PRIORITY 0116  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY  
RUEHZL/EUROPEAN POLITICAL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 03 WARSAW 001218

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STATE FOR PM/SNA ROBERT G LOFTIS

E.O. 12958: DECL: 04/24/2017

TAGS: [MARR](#) [PREL](#) [PL](#)

SUBJECT: START OF MISSILE DEFENSE NEGOTIATIONS IN POLAND:  
THE RIGHT STUFF

REF: WARSAW 01133

Classified By: DCM KMHillas for reasons 1.4b and d

¶1. (C) SUMMARY: On May 24, A/S John C. Rood's U.S. delegation began negotiations on a Ballistic Missile Defense (BMD) agreement with Poland's team headed by Deputy Foreign Minister, Witold Waszczykowski. The Poles outlined specific concerns with the U.S. draft BMD agreement. However, they stressed their perception of threats from the East and underscored their call for a broad agreement on defense cooperation to accompany any BMD deal, in order to ensure a net increase in Polish security. In response, A/S Rood offered to pursue a Ballistic Missile Defense Framework agreement with Poland. The Poles agreed to present proposed language changes to the U.S. draft BMD agreement and a separate proposal for defense cooperation before the next meeting in late June. The Poles seemed amenable to U.S. proposals and more focused on our bilateral relationship than in the past. END SUMMARY.

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Specific Polish Concerns  
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¶2. (C) Recent budget news from Capitol Hill prompted Waszczykowski to ask, "Do we still have a substantial issue to negotiate?" and "Is the U.S. offer still valid?" The U.S. underscored that the Administration remains committed to securing full funding for the initiative from Congress. Rood stressed that 3 additional committees would act on the matter, which would likely not be completed until the Fall. Sufficient funding for BMD was still very likely. SECSTATE and SECDEF had recently sent a joint letter to Congress asking for that funding. Poland could help by announcing the Slupsk location and showing progress in BMD negotiations.

¶3. (C) Regarding parallel Status of Forces Agreement (SOFA) supplemental negotiations, Waszczykowski said the Poles understood the need for a separate agreement and would provide a counter draft. The U.S. delegation indicated that some of the issues the Poles had raised as "gaps" lacking in the draft BMD agreement were covered in the supplemental

SOFA: extraterritoriality, security and safety on base, use of the base, and customs.

¶4. (C) Recalling bad memories of Soviet occupation, the Poles said the missile defense agreement should strike the right balance between U.S. needs and Polish law, to address any perceptions of extraterritoriality. In particular, their lawyers called for language that more explicitly granting Poland the right to visit a U.S.-run BMD base. They also urged inclusion of text on compliance with Polish environmental and construction laws. On construction, the Poles asked for a timeline for implementation. The U.S. delegation noted that we needed a completed site survey to project a timeline, and that in turn required that the Government of Poland publicly declare that Slupsk was the target site and make arrangements for U.S. access to the base.

¶5. (C) On security and safety, the Polish team wanted information sharing between the base and local law enforcement.

¶6. (C) The Poles asked the U.S. delegation to consider the "possibility" of including information sharing with the Poles before a decision to employ the base's missiles. They also asked that language in a BMD agreement state that use of its BMD interceptors would be consistent with international law. In this vein, they raised the issue of legal liability for damage resulting from an accident or actual usage of the MD site. U.S. lawyers explained that claims not covered by Article VIII of the NATO SOFA could be addressed under two bodies of international principles: state responsibility and the right of individual and collective self defense. Under

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these laws, an unlawful aggressor could be held responsible for damage resulting from a necessary and proportionate act of self defense by a state exercising its right of individual and collective self defense.

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Polish Philosophy on BMD Tied to Local Threat Assessment  
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¶7. (C) For these negotiations, the Poles defined three "areas of interest," including: the status of U.S. personnel in Poland, the status of a U.S. base in Poland, and defense cooperation. The Poles called for parallel agreements on the status of a U.S. base in Poland (the BMD agreement) and defense cooperation to ensure that Missile Defense was a net gain for Polish security. They explained that, although BMD in Poland would provide protection against "some missile threats," it would also create new "concerns and targets." The Poles enumerated a list of BMD's negative consequences that included: increasing asymmetric threats, intensified intelligence collection against Polish targets, possible attacks on their overseas deployments and a change in their neighbors' military postures. They discussed potential threats from Russia and Belarus at great length.

¶8. (C) The Poles asked whether an MD site could trigger Russian withdrawal from the Conventional Forces in Europe (CFE) and Intermediate Range Nuclear Forces (INF) treaties as well as militarization of the Kaliningrad Oblast. This, they feared, would further stoke the "anti-Polish mood" created by Russia to isolate Poland. They cited the current Russian ban on Polish meat, last year's assault on Polish diplomats and Russia's failure to cooperate with them, and us, on a solution in Kosovo as evidence of a disturbing trend. The recent feuds over Soviet-era statues in Estonia revealed how this mood could be stoked into action. Waszczykowski indicated that, with a spark, such tension could erupt into conflict. The U.S. team shared Poland's concern about a less democratic and more assertive Russian Federation. However, A/S Rood cautioned that Russia was using MD as a pretext to pursue an agenda on INF and CFE. DASD Green added that Article V of NATO's Washington Treaty was an obvious

commitment to Polish security based on NATO's long-standing principle of peace through deterrence.

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Polish Vision of Defense Cooperation  
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¶9. (C) Waszczykowski asked that we consider three tracks for defense cooperation: strengthening NATO security planning for Poland, pursuing bilateral agreements and employing U.S. programs to bolster Polish forces. With regard to NATO, Waszczykowski expressed the perennial Polish doubt of Article ¶V. On the second track, he offered examples including a 1995 U.S. Reciprocal Defense Procurement Agreement with Italy and a 1980 U.S. Excess Defense Articles Agreement with Turkey as examples of possible enhanced defense cooperation. He defined the third track as any effort to improve the mobility and firepower of Polish forces.

¶10. (C) The Poles reminded that about 10% of their military is now deployed on missions abroad. Waszczykowski asserted that Poland was a "most reliable partner," and did not want to become "most disappointed."

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Next Steps  
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¶11. (C) Throughout the negotiations, A/S Rood reminded the Poles that MD could enhance our broader bilateral security relationship and build a foundation and framework for a closer overall relationship. But, it was only a component of a larger package that included a SOFA supplemental and a

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General Security of Military Information Agreement (GSOMIA). Taken together these documents would lay the foundation for deeper cooperation. In addition to this, to directly address Poland's call for greater defense cooperation, A/S Rood offered to pursue a Missile Defense Framework MOU with Poland that could facilitate future industrial cooperation.

¶12. (C) COMMENT: Waszczykowski's team explored concerns and options without direct linkages or a quid pro quo. And, they spoke of three "areas of interest:" status of personnel, status of a base and defense cooperation. Hence, they seem to be adapting to our view of these negotiations, one agreement for personnel (SOFA supp. one for base (BMD) and then lumping their defense cooperation aspirations into a separate, third item. Moreover, on defense cooperation they offered different approaches and were far less focused on a "wish list" of defense systems. END COMMENT.  
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